

104TH CONGRESS  
2D SESSION

# H. R. 3778

To provide grants to the States for drug testing projects when individuals are arrested and during the pretrial period.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 1996

Mr. KENNEDY of Massachusetts (for himself, Mr. FROST, Ms. LOFGREN, Ms. NORTON, Mr. UNDERWOOD, and Mr. FRAZER) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide grants to the States for drug testing projects when individuals are arrested and during the pretrial period.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. DRUG TESTING UPON ARREST.**

4       (a) IN GENERAL.—Title I of the Omnibus Crime  
5       Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
6       et seq.) is amended—

7               (1) by redesignating part Y as part Z;

8               (2) by redesignating section 2501 as section  
9       2601; and

10              (3) by inserting after part X the following:

1     **“PART Y—GRANTS FOR DRUG TESTING UPON**  
2                                   **ARREST**

3     **“SEC. 2501. GRANT AUTHORIZATION.**

4             “The Director of the Bureau of Justice Assistance  
5 is authorized to make grants under this part to States,  
6 for the use by States and units of local government in  
7 the States, for the purpose of developing, implementing,  
8 or continuing a drug testing project when individuals are  
9 arrested and during the pretrial period and after post con-  
10 viction release.

11    **“SEC. 2502. STATE APPLICATIONS.**

12           “(a) GENERAL REQUIREMENTS.—To request a grant  
13 under this part the chief executive of a State shall submit  
14 an application to the Director in such form and containing  
15 such information as the Director may reasonably require.

16           “(b) MANDATORY ASSURANCES.—To be eligible to  
17 receive funds under this part, a State must agree to de-  
18 velop or maintain programs of urinalysis or similar drug  
19 testing of individuals upon arrest and on a regular basis  
20 pending trial for the purpose of making pretrial detention  
21 decisions.

22           “(c) CENTRAL OFFICE.—The office designated under  
23 section 507 of title I of the Omnibus Crime Control and  
24 Safe Streets Act of 1968 (42 U.S.C. 3757)—

25                   “(1) shall prepare the application as required  
26           under subsection (a); and

1           “(2) shall administer grant funds received  
2           under this part, including review of spending, proc-  
3           essing, progress, financial reporting, technical assist-  
4           ance, grant adjustments, accounting, auditing, and  
5           fund disbursement.

6   **“SEC. 2503. LOCAL APPLICATIONS.**

7           “(a) IN GENERAL.—(1) To request funds under this  
8           part from a State, the chief executive of a unit of local  
9           government shall submit an application to the office des-  
10          ignated under section 2502(c).

11          “(2) Such application shall be considered approved,  
12          in whole or in part, by the State not later than 90 days  
13          after such application is first received unless the State in-  
14          forms the applicant in writing of specific reasons for dis-  
15          approval.

16          “(3) The State shall not disapprove any application  
17          submitted to the State without first affording the appli-  
18          cant reasonable notice and an opportunity for reconsider-  
19          ation.

20          “(4) If such application is approved, the unit of local  
21          government is eligible to receive such funds.

22          “(b) DISTRIBUTION TO UNITS OF LOCAL GOVERN-  
23          MENT.—A State that receives funds under section 2501  
24          in a fiscal year shall make such funds available to units  
25          of local government with an application that has been sub-

mitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

**“SEC. 2504. ALLOCATION AND DISTRIBUTION OF FUNDS.**

“(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

“(1) 1.0 percent shall be allocated to each of the participating States; and

“(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in such State bears to the number of individuals arrested in all the participating States.

“(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the

1 preceding fiscal year bears to the aggregate amount of  
2 funds expended by the State and all units of local govern-  
3 ment in such State for criminal justice in such preceding  
4 fiscal year.

5 “(2) Any funds not distributed to units of local gov-  
6 ernment under paragraph (1) shall be available for ex-  
7 penditure by such State for purposes specified in such  
8 State’s application.

9 “(3) If the Director determines, on the basis of infor-  
10 mation available during any fiscal year, that a portion of  
11 the funds allocated to a State for such fiscal year will not  
12 be used by such State or that a State is not eligible to  
13 receive funds under this part, the Director shall award  
14 such funds to units of local government in such State giv-  
15 ing priority to the units of local government that the Di-  
16 rector considers to have the greatest need.

17 “(c) FEDERAL SHARE.—The Federal share of a  
18 grant made under this part may not exceed 75 percent  
19 of the total costs of the projects described in the applica-  
20 tion submitted under section 2502 for the fiscal year for  
21 which the projects receive assistance under this part.

22 “(d) GEOGRAPHIC DISTRIBUTION.—The Director  
23 shall attempt, to the extent practicable, to achieve an equi-  
24 table geographic distribution of grant awards.

1 **“SEC. 2505. REPORT.**

2 “A State or unit of local government that receives  
3 funds under this part shall submit to the Director a report  
4 in March of each fiscal year that funds are received under  
5 this part regarding the effectiveness of the drug testing  
6 project.”.

7 (b) CONFORMING AMENDMENT.—The table of con-  
8 tents of title I of the Omnibus Crime Control and Safe  
9 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended  
10 by striking the matter relating to part Y and inserting  
11 the following:

“PART Y—DRUG TESTING FOR INDIVIDUALS ARRESTED

“Sec. 2501. Grant authorization.

“Sec. 2502. State applications.

“Sec. 2503. Local applications.

“Sec. 2504. Allocation and distribution of funds.

“Sec. 2505. Report.

“PART Z—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2601. Continuation of rules, authorities, and proceedings.”.

12 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 1001(a) of the Omnibus Crime Control and  
14 Safe Streets Act of 1968 (42 U.S.C. 3793), is amended  
15 by adding at the end the following:

16 “(22) There are authorized to be appropriated  
17 \$100,000,000 for the fiscal years 199\_\_\_\_, 199\_\_\_\_, and  
18 199\_\_\_\_ to carry out the projects under part Y.”.

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